

*Appeals to Quarter Sessions for Surrey and Kent: to Sessions at Southwark: to Sessions at Greenwich—Further Meetings—Adjournments.*

59. And be it enacted, with regard to any appeal in respect of a conviction for carrying on any such dangerous, offensive, or noxious business, so far as relates to the place where such appeal is to be heard, that if the appeal be to the General Quarter Sessions of the peace for the county of Surrey or the county of Kent, then the jury (if any) to be impanelled in pursuance of this Act, and all parties required to attend the Quarter Sessions for the said counties pursuant to such application, shall be impanelled and required to attend at some general or special adjournment of the said Quarter Sessions to be held within six weeks next after the original sessions; and that if the matter relate to the county of Surrey, then such adjournment shall be to some convenient place in the borough of Southwark in the said county; and that if the matter relate to the county of Kent, then such adjournment shall be to some convenient place in the borough of Greenwich in the said county; and such times and places shall be appointed by the justices of the said counties respectively assembled at such original sessions; and that from time to time every further meeting of the said sessions, for any thing to be done upon such application, shall be appointed at or within the space of three weeks from the last meeting; and that from time to time it shall be lawful for the justices of the peace for the said counties of Surrey and Kent respectively, and they respectively are hereby empowered and required, to make such adjournment and hold such sessions as there shall be occasion.

*Common Law and Statutory Remedies not affected.*

60. Provided always, and be it declared, with regard to any business which is contrary to any existing Act of Parliament otherwise contrary to law, so far as relates to the operation of this Act in that behalf, that, notwithstanding any thing in this Act contained, this Act shall not be deemed to authorize any person to carry on any such business either within such limits or otherwise, or any business which it is unlawful to carry on within any limits or in any manner contrary to any public, local, or private Act of Parliament, or otherwise contrary to law; nor to affect, abridge, or restrain the right, the duty, or the power of any person, whether private person or public officer, to prosecute, either civilly or criminally, any person who shall carry on within the limits of this Act any offensive, noxious, or dangerous business.

*Regulation or Removal of Trades deemed Nuisances by Purchase—Memorial to Queen in Council—Order for Removal—Compensation—4 & 5 Vict. c. 12—Unlawful to continue such Trades after Purchase.*

61. And further, for the regulation or removal of any offensive, noxious, or dangerous business now carried on, be it enacted, with regard to any such business, so far as relates to the purchase thereof, or of the premises wherein it shall be carried on, that if two-thirds in number of the inhabitant householders of any parish in which such business shall be carried on present a memorial to her Majesty in Council, stating the existence of such offensive, noxious, or dangerous business in such parish or the neighbourhood thereof, and praying the removal of such business therefrom, and thereby engaging to provide compensation to the persons carrying on the same, either at the expense of the memorialists, or by means of a rate to be levied on the inhabitants of the said parish, or such part thereof as may be affected by such business, then it shall be lawful for her Majesty to refer the matter to the Lords of the Committee of Privy Council for Trade to consider the character of such business, whether it be offensive, noxious, or dangerous; and if it appear to be so, and that there are no means of rendering it otherwise by the adoption of methods available, without unreasonable sacrifice on the part of the person by whom it is carried on, then it shall be lawful for her Majesty, by order in Council, to direct that the removal of such business may be purchased, either at the expense of the memorialists or by means of a rate as aforesaid, as to her Majesty shall seem fit, and also to direct the sheriff of the county or other proper person in the parish or liberty in which such business is carried on to summon a jury, according to the provisions of an Act made and passed in the fourth year of the reign of her present Majesty, intituled "An Act to enable her Majesty's Commissioners of Woods to make a new Street from Coventry-street to Long Acre, and for other Improvements in the Metropolis," to determine what compensation shall be paid to the party carrying on such business for the removal thereof, and to the owner and occupier of the premises for the restriction of the use of his buildings for such purpose; and that if within three months after the verdict of such jury shall be given, and judgment thereon, the inhabitants of such parish or neighbourhood pay or tender such compensation, then within three months from the payment or tender of such compensation it shall cease to be lawful for the party carrying on such business to continue the same, and for any owner or occupier thereof either to carry on or to permit to be carried on such business in the same or any part of the same premises.

*Funds for defraying Compensation—Lery of Rate.*

62. And be it enacted, with regard to the funds for defraying such compensation, so far as relates to the raising thereof, that if her Majesty shall by such order direct the compensation to be paid by means of a rate, then it shall be lawful for the overseers of the parish to raise such sum as shall be necessary, either as a separate rate in the nature of poor's rate, or as part of the poor's rate, on the inhabitants at large of such parish; or if in pursuance of the memorial of the inhabitants of such part of the said parish

as shall be affected by the said business it be appointed by such order in Council that such last-mentioned inhabitants do defray such compensation, then it shall be lawful for the said overseers to raise such sum as shall be necessary for that purpose; and that if such rate be so levied either on the inhabitants at large of such parish, or on the inhabitants of such part thereof as aforesaid, then such rate may be levied and recovered as poor's rates are leviable and recoverable.

*Exemption of public Gas Works—Extension or Substitution of Works—Distilleries.*

63. Provided always, and be it enacted, with regard to public gas works and other works heretofore established within the limits of this Act, so far as relates to the operation of the provisions of this Act in reference to businesses dangerous in respect of fire or explosion, or offensive or noxious, that such provisions shall not be deemed to apply to any such public gas works; and that if by any Act of Parliament now in force relating to gas companies to which such works belong, any extension of such works, or any additional works, or any other works, be authorized to be erected or substituted, then such provisions shall not be deemed to apply to any such extension, addition, or substitution within the limits of the district now lighted from such first-mentioned works; and that such provisions shall not be deemed to apply to any premises entered or used for the purpose of distillation or the rectification of spirits under the survey of the Commissioners of Excise and their officers.

*SURVEYORS, THEIR DISTRICTS AND DUTIES.*

*Appointment of Districts.*

64. And now, for the purpose of dividing the district to which this Act is to apply into several smaller districts, for the convenient execution therein of this Act, and for appointing competent surveyors for superintending the same in each such district, and for regulating the duties of their office, be it enacted, with regard to such districts, so far as relates to the appointment and alteration thereof, that at any time after this Act shall come into operation, and from time to time, it shall be lawful for the Lord Mayor and Aldermen of the city of London, with reference to the city of London and the liberties thereof, and for the justices of the peace for the county of Middlesex, the county of Surrey, the county of Kent, the city and liberties of Westminster, and the liberty of her Majesty's Tower of London, in their General Quarter Sessions respectively, or any adjournment thereof, with reference to their respective counties, city, and liberties, and they respectively are hereby empowered, but subject, nevertheless, to the consent of one of her Majesty's principal Secretaries of State, to appoint the districts to which the respective places within their jurisdiction shall belong for the purposes of this Act, and to unite, enlarge, and alter such districts for the more convenient distribution of the business.

*Appointment of Surveyors.*

65. And be it enacted, with regard to the surveyors to be assigned to such districts for the purposes of this Act, so far as relates to their appointment, that at any time after this Act shall come into operation, and from time to time, it shall be lawful for the said Lord Mayor and Aldermen of the city of London, with reference to the city of London and the liberties thereof, and for the said justices of the peace in their General Quarter Sessions respectively, or any adjournment thereof, with reference to their respective counties, and they are hereby required, but subject, nevertheless, to the consent of one of her Majesty's principal Secretaries of State, to nominate and appoint as surveyors such and so many discreet persons, of the full age of thirty years, and properly educated and skilled in the art and practice of building, as they the said Lord Mayor and Aldermen and the said justices shall think fit.

*Practical Qualifications of Surveyors: Examiners—Examiners to prescribe Rules—Production of Certificates of Examination.*

66. And be it enacted, with regard to such surveyors to be hereafter appointed under this Act, except present district surveyors appointed to new districts, so far as relates to the ensuring the possession of due scientific and practical qualifications, that it shall be lawful for the Commissioners of Works and Buildings and they are hereby empowered to appoint three or more architects, surveyors, or builders to examine, together with the said official referees, any persons who may present themselves to be examined for the purpose of obtaining a certificate of qualification, with the view of becoming candidates for the office of surveyors of metropolitan buildings of any district within the limits of this Act; and that for that purpose it shall be lawful for such examiners from time to time to appoint such times as to them may seem fit, and from time to time to prescribe such course of examination as to them may seem fit, and to make any other rules for the regulation of such examination, and the granting of certificates in respect thereof, subject, nevertheless, to the approval of the Commissioners of Works and Buildings; and that when such rules shall have been registered by the registrar of metropolitan buildings they shall continue to be in force until they shall be amended, altered, or rescinded by other rules to be made by such examiners and so registered as aforesaid; and that unless, one week before the election of a surveyor for any district created by this Act, or for any district in respect of which the office of surveyor may become vacant, there be produced by or on the part of any person being candidate for the said office, a certificate of such examiners, certifying that he has been examined, and that he was thereby found to be duly qualified for such office, to the town clerk of the city of London, or to the clerk of the peace for the county, city, or liberty; it shall not be lawful for any justices by this

Act empowered to appoint surveyors to appoint such person to be such surveyor, and that if such person be so appointed his election to such office shall be void.

*Tenure of Office.*

67. And be it enacted, with regard to such surveyors, so far as relates to the tenure of their office, that it shall be lawful for every such surveyor and he is hereby entitled to hold such his office of surveyor during the pleasure only of the said Lord Mayor and Aldermen and of the said justices respectively.

*Functions generally.*

68. And be it enacted, with regard to such surveyors, so far as relates to their functions generally, that it shall be the duty of every such surveyor, and he is hereby required,—

To see that all the rules and directions of the Act are well and truly observed in and throughout his district; and for that purpose,—

To proceed from time to time, in due course, upon the receipt of any notice, or if from ignorance or neglect, or from any other circumstance, notice of any work intended to be done have not been given, then upon such work being observed by or being made known to him, to inspect the works intended to be done, or which shall have been commenced, and to cause all the rules and directions of this Act in respect thereof to be strictly observed; and also

To attend and perform every thing required of him by this Act, whether with or without notice; and also

To inspect ruinous buildings and projections in danger, at all times when needful, and to take all necessary measures thereupon; and also

To survey all buildings built, rebuilt, enlarged, or altered by or under the superintendence of a district surveyor within any other district to which he shall be appointed by the official referees for that purpose; and also

To cause a book for registering all notices, informations, and complaints to be at all times kept at his office, and to enter in such book every notice, information, or complaint which shall be delivered or made to him, and any proceeding thereon by him taken.

*Disqualifications.*

69. And be it enacted, with regard to such surveyors, so far as relates to their disqualifications, that during the time that any such person shall act as a justice of the peace for the county in which his district shall be situated it shall not be lawful for him, and he is hereby disqualified from holding the office of a surveyor or of deputy or an assistant surveyor for any district under this Act.

*Continuance of present Surveyors. 16 G. 3, c. 70—Subject to this Act.*

70. And be it enacted, with regard to the surveyors who at the time of this Act coming into operation shall have been appointed under the Act of the fourteenth year of the reign of King George the Third, mentioned in the schedule (A.) hereto annexed, so far as relates to their continuance in office, and the application of this Act to them, that until they shall be removed it shall be lawful for them and they are hereby entitled to continue to be the surveyors for the purposes of this Act, and for the districts assigned to them at the time this Act shall come into operation, but subject to such alteration of such districts as may be made by virtue of any power in that behalf, and to act in all respects as if they had been appointed under this Act; and that every provision in this Act applicable to district surveyors, so far as relates to the exercise of the office of surveyor, and to their remuneration in that behalf, shall apply to them.

*Declaration of official Fidelity—Penalty for acting before Declaration made.*

71. And be it enacted, with regard to every surveyor hereafter appointed, so far as relates to making a declaration of official fidelity, that before any such surveyor shall act in pursuance of this Act it shall be his duty and he is hereby required to make a declaration of official fidelity, which must be administered by the said Lord Mayor and Aldermen in their Court of Aldermen, or by the said justices of the peace in their respective General Quarter Sessions, and must be in the form or to the effect following; that is to say,

"I, A.B., being one of the surveyors appointed in pursuance of an Act made and passed in the eighth year of the reign of her Majesty Queen Victoria, intituled, An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood, and commonly called the Metropolitan Buildings Act, do solemnly declare, that I will diligently, faithfully, and impartially perform the duties of my office, and to the utmost of my power, skill, and ability, endeavour to cause the several provisions of the said Act to be strictly observed, and that without favour or affection, prejudice or malice, to any person whomsoever."

And that if before making such declaration any such surveyor act in pursuance of this Act, then, on conviction thereof, he shall be liable to pay, for every day during which he shall so act before making such declaration, the sum of five pounds.

*Regulation of Duties: Offices—Attendance—Return of Name and Residence.*

72. And be it enacted, with regard to the surveyors, so far as relates to the regulation of their official duties, that it shall be the duty of every surveyor for the city of London and the liberties thereof, and he is hereby required, to have an office at his own expense, in such public situation as shall be approved by the Lord Mayor and Aldermen; and that it shall be the duty of every other surveyor and he is hereby required to have an office, at his own expense, in some central part of the district to which he shall be